

REMARKS

Claims 33-51 are pending. Claims 33-51 were rejected by the Examiner. Claims 33-51 were rejected under 35 U.S.C. § 102(e), as being anticipated by US Patent Application No. 2002/0238898 A1, Smith et al. (the "Smith" patent).

The applicants wish to thank the examiner for providing the paragraph cites of the prior art to assist in reviewing positions expressed by the office action.

Regarding claim 33 and the now cancelled claim 41, most of the material of claim 41 has now been added to independent claim 33. Since Smith, page 6, paragraphs [0108]-[0110] was used to reject claim 41, a brief discussion of Smith seems appropriate. First, claim 41 included language regarding a client computer, which has not been added to claim 33 to help clarify the distinction between claim 33 and Smith. Second, the Smith passage merely discusses selecting survey quantity and duration, and providing survey results after the survey is run.

Third, claim 33 involves management through use a network browser of a list of e-mail recipients chosen to receive an e-mail, which contains a network link to access a survey. As further described in claim 33, the browser is also used to create a survey. In other words, claim 33 involves use of a browser to create a survey and to manage a list of recipients to receive an e-mail to furnish access to the recipients to the created survey.

In contrast to claim 33, Smith directly teaches against survey creators also managing lists of survey recipients (see page 1, paragraph [0019] of Smith), so it doesn't make sense that Smith would teach claim 33. Instead of teaching claim 33, Smith teaches an automated system to determine who will receive surveys by sending out questions to potential candidates to pre-qualify who will receive one or more surveys before sending out any access means to the one or more surveys. In contrast to Smith, the present application and invention claimed in claim 33 leaves selection of recipients of a survey to the survey creator rather than an automated system of Smith and access to the survey is sent to the recipients initially rather than first sending a collection of pre-qualifying questions like Smith does. Given this rationale, the applicants believe that claim 33 is now allowable over Smith and stand in condition for allowance.

Claim 47 has been amended to include using the survey design computer via the network to edit a list of e-mail recipients stored on the host computer and sending an e-mail having a link to the survey to the e-mail recipients, which is also not taught by Smith in a manner similar to the above discussion and is believed allowed over Smith.

Newly added claim 52 – 60 are also believed allowable over Smith.

Dependent claims 34 – 40, 42 – 46, and 48 – 51 are also believed to be allowable over Smith based at least in part in their dependencies.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7670.

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